14.08 hrs.

RE: BOFORS 155 MM HOWITZER GUN DEAL–*Contd.*

[English]

MR. SPEAKER : Shri Sontosh Mohan Dev to speak now.

SHRI SONTOSH MOHAN DEV (Silchar) : Mr. Speaker, Sir, today we are discussing about the admissibility of an issue or a Motion by my good friend Shri Jaswant Singh. He has almost given a long speech, more or less a debate. I will not go to that extent.

MR. SPEAKER : Very good.

SHRI SONTOSH MOHAN DEV : It is the first time in my life–we are in Parliament from 1980 till today–that I have not seen him taking a glass of water while speaking. Probably he is pleading a weak case. He says his throat is bad. By the time he continued, his voice became as soft as he could even sing. But that is not the question. You have raised many issues. I will not go into the details of them. But one of the issues that you have said is surprising me.

He said that one Prime Minister died for this Bofors issue. That means, he has given the verdict of the Jain Commission, which they are trying to give for the last few months. I do not know how he came to that conclusion. I have never heard so. He has again said that he had no access to the papers when the JPC, which went into Bofors issue, was examining it as some of the papers, which were given by the company, were not divulged by the Government before the Committee. He was in the Government for thirteen days and it is well known that he has got the photocopies, as the officials say that they were not doing anything but only taking photocopies. During that period, your Defence Minister must have got those papers. You could have tabled it.

SHRI SOMNATH CHATTERJEE (Bolpur) : Who was the Defence Minister?

SHRI SONTOSH MOHAN DEV : Shri Pramod Mahajan was the Defence Minister.

Anyhow, anything that has happened regarding the Bofors, we are at the receiving end. Rightly said, it has cost us the 1989 elections, it has cost us the image of the Congress Party. That issue was there. Shri Nirmal Kanti Chatterjee is not here. He himself said that they had boycotted, whenever they saw that nothing had come out as per their allegations. That is how they function. *(Interruptions)*. I have not interrupted you. You eminent leader is taking down the points. Our point is that we, the Congress Party have taken a decision that we went truth and truth must come before this House. It is the function of this Government, whom we are supporting, to come out with the truth. In whatever manner you give them scope to discuss, decide or form a committee, it is your onus and to agree or not to agree to it is the onus of the Prime Minister. But we demand today very forcefully, thus far no further, and categorically that do not malign us for a thing which is not at all true. Give us the names and lay the papers before the House.

I have been told that in the other House it has been said that is can be given in the Chamber of the Speaker and others. If that is so, give it to us. Why is this drama going on? The luggage is being brought in hand, as is shown by television.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN) : It was not said so in the other House that the papers would be show in the Chamber of the Speaker or the Chairman. It is not correct.

SHRI SONTOSH MOHAN DEV : Very good. I think the telephone calls which come to us are not known to you unfortunately. You do not know what your leaders are telling.

Anyhow, we do not want to go into that. We know that this is the state of the Government. So, we do not want to go into that. We want that the papers be shown. But Shri Jaswant Singh has tried to say that Government after Government has gone. I was also in the Defence Ministry for some time. The same gentleman, the Prime Minister who made a commitment to the foreign country that he would not divulge this information, himself took out his diary in Patna and said that he would give the names within 14 days. Shri V.P. Singh, when Shri Jaswant Singh used to support him, himself gave a written undertaking to the Government of Sweden or Switzerland that they would not lay anything in public, that is, in Parliament. Again, they are encashing these against Congress, saying that the Congress has done this or the Congress has not done this.

Now, today he has come forward with some theory which we have not heard of. I was telling some senior Members that neither JPC nor any other committee but only a high-powered committee will go into details of all these things which have come. We would like to know from the Government, from the Law Minister whether they have got all the papers. Is this the last so-called JPC or after some time something else will come and again Shri Jaswant Singh and others will say that

[Shri Sontosh Mohan Dev]

they want another committee? Unfortunately or ironically, every time when the election is knocking at the door, these papers are being brought from outside and this issue is whipped up.

What is this? Maybe, the election is not very far and that is why again there is an attempt to malign the Congress Party. *(Interruptions)* Do not be afraid. You are a cadre based party. You can do it.

Sir, you have allowed this matter to be raised here and we are grateful to you for that. Shri Jaswant Singh has made a long speech. I do not want to answer to each one of his points. My objection is, do not try to malign us directly or indirectly without knowing fully well as to who are the recipients of this benefit, who are the guilty persons and who are the corrupt persons. We, the Congress Party, are very much willing to know it. You bring out the facts in whatever fashion you want. But our experience was that the earlier JPC was boycotted by the Opposition people at that time and nothing had come out of it. If you have another JPC or a High-powered Committee, what would come out of it? The Parliament is full of Committees and we, as Chairmen, do not get accommodation to hold our meetings. It is very difficult to get accommodation. So, do not burden us more.

SHRI SOMNATH CHATTERJEE : I am holding meetings in my room.

SHRI SONTOSH MOHAN DEV : So, what will happen? The only request we shall make to the Government and the hon. Law Minister who is going to reply is, for God's sake, tell your investigating agency not to leak out the names and then say that you cannot get the names. Do not leak out the names. Please spell them out in Parliament and give complete names. I want to remind you of an English proverb which says : "One ounce of Fact is worth one pound of theory". What Ms. Chitra Subramanian and other have written in the Press, he encouraged it and I do not want to go into those details now. But since you do not share the actual information with the House, the newspapers are writing about it. How long will they go on writing about the infighting in the Congress Party and other things? So, this is the effect of it. They pick up this and start writing in the newspapers. Today, one of your Ministers will reply in this House. At that time, please tell us that these are the persons who are guilty and after that we shall take our course of action. If you do not give the names, please tell others not to throw out these names in Parliament or elswhere without knowing the facts.

Sir, as I said, 10 years is a long period of time. Shri Jaswant Singh very rightly said that it had affected the decision making capacity of the Army. It is true. Nobody wants to take decision because he is here. I remember one thing. One of the officers who appeared before the Committee, that General told me one day when I was the MInister of State for Defence that we should not buy anything without middlemen because maintenance is a problem. He said that if we buy straightway, maintenance would be a problem. So, I said : "why do you not give it to me in writing?" He said : "No, I will not give it". After-sale service is necessary for any equipment and Shri Jaswant Singh knows it very well. I think he was in the Infantry Division of the Army.

Sir, the situation as it is today, I do not want to comment anything on what we have been hearing and reading in *The Indian Express* and other papers. But we shall make a humble appeal to you. We want a decision today or tomorrow or whenever this subject matters comes up for discussion and the Government must come out with specific information.

I am not going various other things now. Shri Jaswant Singh has mentioned about the assurance given by Shri P.V. Narasimha Rao that he would follow it up day-to-day. He might not have followed it up day-to-day, but unless he had followed it up week-to-week, this would not have come today. Let him not think that it has come just like that. There was pursuance from our Government because we assured the Parliament. We want to see that the whole nation also knows the truth. So, let them not say that the Congress has not done anything. Though the needle of suspision is towards us, we have done more than you deserve.

But you now have to come to a decision as all the papers are available with you and the full-fledged investigations are going on. So, let us know what ultimately happened to the funds of the Government. We are not averse to any type of decision or any type of discussion. We are free. We accept the decision of the hon. Speaker.

With these words, I only wish recovery for Mr. Jaswant Singh's bad throat. Thank you very much.

SHRI SOMNATH CHATTERJEE : Mr. Speaker, Sir, I believe we are discussing the admissibility of the motion.

MR. SPEAKER : Yes. I have made it very clear in the beginning itself.

SHRI SOMNATH CHATTERJEE : But, Sir, the canvas is quite wide. My friend, Shri Jaswant Singh has brought in many things. I am not questioning that. But the issue today is whether we could discuss this matter and such other motions under Rule 184. Let us be very clear that everybody, I believe, even Shri Sontosh Mohan Deve–he has openly said so–wants full discussion. We all want the fullest discussion. That is why, we have been agitating inside the House and outside the House also. You know that all the Opposition Members had even resigned from

the House on this very issue. Shri Jaswant Singh complained that although there was an undertaking to reveal within 15 days what it was, yet nothing has been told. Well that 13-days wonder did not do anything either. What happend? This is not the way. On certain issues we are only concerned with blaming each other. This is one of the issues where we should try to find out the truth. You see this country has suffered grievously because of several acts of corruption and series of acts of corruption. Nobody today including my hon. friends from the Congress side dispute it. Earlier there was an attempt to say that there were no middlemen; there was no money involved; and there was nothing. But ultimately it was accepted that there was some payment made. But who had received the money? That was the question. Therefore, the investigation had to be made. The procedure had to be followed. It does not depend only on our own country. It had to depend on the orders of other country's Court. Therefore, it has taken time. But whether it was relentlessly pursued or not or there was any attempt to slow it down, there are different views and different perceptions about it. Of course, the Prime Minister of the country stood up here when we had pressed him and said, 'I assure that I shall come back to this House after day-to-day monitoring and I shall myself report to you'. But unfortunately, no report came. Whether he was doing something behind the curtain, I do not know. We do not know it as we are not told. But the position today is that all the names, apparently, have not been given. Some names have come out in the Press. We know what we had been suspecting. Those names have been divulged. I take it that those are correct names because there has been no denial. But nobody has said that this is just the list of persons who received the money. Therefore, still investigation has to be made. Now after a good deal of proceedings, the Swiss Court has allowed the first instalment of papers. We do not know whether they were carrying luggage as he said or carrying a box or not. These days the TV is very much obliging everybody in this country from politicians to bureaucrats. The photographs are coming. Therefore, now we are told–subject to correction that there are still other installments of papers to come. We are also being told–subject to correction again because I am not in possession of the facts–that there is an interdiction or there is an order or undertaking given by this Government that there will be no disclosure of names. Therefore, the papers should not be used except for actual investigation. So, there will no disclosure. Now these are the matters which have to be found out. I have been informed that there is going to be a meeting tomorrow of the leaders, Sir, in your room maybe, or in some other place. I am yet to get a formal intimation.

Tomorrow, it will be discussed whether, in view of those undertakings given to the Swiss Court and the Swiss Court's definite order, they should not be divulged. The Swiss Government's request has come saying that they should not be divulged. These are the matters which have to be discussed and decided across the table. I am not justifying anything. My Party's and my stand is that the names should be divulged, they should be disclosed. But the point is, how to get those names.

My submission is very simple. Yes, we certainly acknowledge the great role played by Ms. Chitra Subramanyam, Shri N. Ram and others in the disclosure of this. An attempt has been made to find out what is called the truth in this matter. I do not know whether there was a drama or not, but there was a good justification, I think for the boycott of earlier JPC, and the country also gave its judgment or verdict on that. That boycott was justified. I still feel that this is a matter on which all sections of the House are wanting the disclosure of the names. Therefore, our objective should be how to get the names. This is the purpose of this debate. Now, whether there should be a committee or not, I feel that there are important matters which will have to be taken into consideration. So firstly, I am not against a committee. If a committee comes into a sort of position and if that committee cannot function either because of the orders of the Swiss Court or the undertakings given much earlier by this Government or recently by this Government, whether they can be ignored or should be ignored or not, these are matters which will have to be considered. It is absolutely necessary that the names should be disclosed and we insist on the disclosure of the names. But the question is how it should be done. After all, a soverign country has given certain undertaking to another sovereign country, and we just cannot ignore them. But those are the materials which should come. I do not know whether the Law Ministery is giving it now or not.

SHRI RAJESH PILOT (Dausa) : You are neither this side nor that side. You said that when you come to power, you will disclose and, today, you are saying that you cannot disclose. The onus should lie on you or on the Government.

SHRI SOMNATH CHATTERJEE : I do not know why Shri Pilot is putting something on me. The point is very clear. Firstly, I would like to know from the Government whether there is any hindrance in the disclosure of whatever names are there, and secondly how long it will take to go on with these investigations. I began my submission by saying that I want the names to be disclosed. I have said more than once that I want the names to be disclosed. But the question is : How? What is the procedure, and what is supporting what?

I have said that this is a matter wnich should be addressed in a manner that all parties should try and see that the truth comes out. What is the procedure to do that? If it disturbs Shri Rajesh Pilot's equanimity, I cannot help

[Shri Somnath Chatterjee]

it. I am only saying how to do it. Let us do it in a responsible manner so that we do not get into another problem. That is what I am saying. What is the wrong in it, I do not understand. Therefore, how to achieve what we all want, with or without the Congress Party. I take it that after a good deal of lessons which they have learnt, theya are sincere now.

On some of the matters, I do not approve of this Government. Why should the Ministers not come out and make a *suo motu* statement? I have been saying, when they were in power, that until some of these issues are raised in Parliament, the Government does not respond. Please do not follow such procedures. You are getting rid of some of this. Do not follows everything which they have done; they are in trouble, as you know; do not get into that. Sometimes, there are some matters, on which you yourself should come and make a statement because it is agitating the people.

Sir, for admission, if we take two hours or three hours or four hours to see whether it is admissible or not and in what form it will be admitted, then when the discussion will start, I do not know what others things are under his sleeve.

This is not the way we can function. Let the Government come out with a statement and tell us what they are thinking, what is their information, how much they can divulge, and if they cannot divulge, they should tell us why they cannot divulge it.

SHRI SANAT MEHTA (Surendra Nagar) : While it can be divulged to the Press, why can it not be divulged to the House?

MR. SPEAKER : Now, Shri Madhukar Sarpotdar to speak. Be very very brief, please. I think Shri Somnath Chatterjee has pointed out very rightly that we cannot spend two hours to discuss whether it should be admitted or not.

SHRI MADHUKAR SARPOTDAR (Mumbai North-West) : Mr. Speaker, Sir, I thank you very much for allowing me to speak.

Sir it is a matter of great importance that for the last ten years, this sovereign country is not in a position to solve one matter. The matter has gone before the court, the JPC and the CBI. Though so many things have been done and so many exercises have been undertaken, yet today we are discussing whether we should refer this back to a Committee of Parliament or not under the provision or Rule 184. My only suggestion is that truth should prevail and truth should come out. Let the people of this country know what has actually happened since the year 1986. Today, the Congress people are insisting on it and we should alll support them. There is nothing wrong in that. Why should we go into the controversy. The entire exercise was started at that time against some people. But today those very people are saying that truth should prevail and all the documents should come before the House. We should go into the merits of the case. I think in the interest of justice and in the interest of truth, we should form such a Committee. Therefore, whatever Motion Shri Jaswant Singh has moved, I fully support. Thank you.

MR. SPEAKER : Thank you very much. Very good. You have put it very nicely. Now, Shri George Fernandes to speak.

[Translation]

SHRI GEORGE FERNANDES (Nalanda) : Mr. Speaker, Sir, it would have been better if the Government had issued a statement already in this regard because without that statement it is difficult for us to understand as to which way we are heading. I have been told that, probably, the Minister of Law has already given a statement, according to which each document cannot be placed before the House.

SHRI SHARAD PAWAR (Baramati) : Earlier, a statement was given you may first get it verified, then speak further.

SHRI GEORGE FERNANDES : No, let me complete my submissions. In case he has given any such statement, first it should have come to this House for that could have given a direction to our debate. And the advocates, sitting over here, must have told us as to why law cannot be a hinderance in placing the true information available with the Government before the House? We feel happy to see that today Congress Party is in the search of truth. And because of this fact we believe that they were having no faith in the respect of the JPC submitted by their chairman Shri B. Shankaranand for if that report contained any truth, there should be no need for you to look out for a new truth, rather you people should hold that report in your hand and say that this is the truth. It is because of this fact we believe that these people have got no faith in that report. There have occured such incidents when one of our Prime Ministers takes out his diary from his pocket and reads it to let us know that he will divulge the truth within 15 days and by doing so he has even become the Prime Minister.

We would not have got a chance to discuss this matter if he had not been Prime Minister. We are here discussing this matter because our officials had gone to Switzerland courts, where this matter was taken up again. The matter was swept under the carpet earlier. It is a serious matter

and should not be taken lightly. I know that very big persons were involved therein. It is not a proper way to escape as to any person, party or Government say that why this report was not submitted within 15 days. I would like to spell out the reasons for it. Firstly, our officials were not familiar with the procedure of court in that country. Not only once or twice but six appeals were made in lower courts and supreme court of Switzerland. Who are the people involved in this case? Whether those people did not have any name, face or any identity. A minister was implicated in this matter in 1992. Why one Minister visited Davos and handed over an unsigned document, which bore no name, address or date, to the Foreign Minister of that country. Perhaps he is still the Foreign Minister of that country. Along with that document a letter from the Ministry of External Affairs signed by an official was also handed over by our External Affairs Minister on behalf of the then Prime Minister Shri P.V. Narsimha Rao.

Mr. Speaker, Sir, earlier also efforts were made to save the culprits. On whose behalf Shri Madhav Singh Solanki, had gone abroad. Our Minister of External Affairs visit other country and acts like a postman, while standing in a corner handed over same documents to the Minister of another country. These type of things have wasted time.

Not only that, but Switzerland was prevented to take up this case in court on the plea that the matter was pending with Delhi High Court. Later on Delhi High Court stayed action on it but after sometimes it was taken up by the Supreme Court; It seems that people have forgotten the facts regarding this case. I would like to say that this matter cannot be swept under the carpet in this way. If someone thinks so, I would like to show him the earlier report and papers of this case. The facts about it will come to light one day. Hon. Minister, please reveal the information available with you, on this matter. Which documents can be laid on the Table of the House I do not know anything about it because I have not discussed this matter. Hon. Minister, please tell as to how many documents have been submitted and out of it how many can be laid on the Table of the House. I request the hon. Minister of Law not to follows the policies of previous Government of Shri Narasimha Rao which tried its best to hide facts in this regard, as an unsigned document was sent for the Government of that country on behalf of former Prime Minister. I have apprehensions in this regard because when this Government was formed, Prime Minister Shri Deve Gowda had given assurance to Narasimha Raoji that he would continue and follow the policies of former Government which tried to hide the facts regarding Bofors. We cannot forget it. I would like to say that there is no need to constitute another committee to mislead the House and trouble us.

SHRI ILIYAS AZMI (Shahabad) : Mr. Speaker, Sir, at first I welcome the changed attitude of Congress Party. Now it is in position to know the truth through this is the same party which used to tell that these allegations are baseless and there is no middleman in this case. Now public of this country has come to know about the culprits and workers of this party has started thinking that facts should be accepted. Now they have raised the issue regarding St. Kitts forgery case, so that the entire world would know that persons who are blaming congress party for Bofors case, themselves are also guilty. I welcome their changed atttitude.

The story of looting the wealth of this country and taking booty abroad is an old practice. Mahmood Gajnavi and Nadirshah had also looted the wealth of this country. Later on East India Company looted the wealth of this country. Britishers left this country long ago but now again the wealth of this country is being looted and sent out. I am sure that certain people, they may be leaders, bureaucrates or traders, have looted more wealth than East India Company and sent it out.

It is being said that our country has a huge debt. We can repay this debt easily if the wealth looted and sent out from the country is brought back to the country.

Mr. Speaker, Sir, in view of the clumsy efforts made for arresting the middlemen in Bofors case, I blame this Government that it has tried to hide the facts in the same way as was done by the previous Government. The reason for it is that this Government has been formed by the support of Congress.

Mr. Speaker, Sir, I hope that the whole House will support my demand that the wealth looted from this country and sent out should be brought back. Knowing the names of culprits is not enough but the wealth should be recovered I would also like know the relations of the Italian citizen with ruling party whose name is being mentioned in this case time and again. The whole country wants to know this. Name of Win Chadha is being mentioned since beginning of this case. He was in Delhi itself and often seen frequenting in corridors of power in arrogant manner. I would like to know as to with whose support he was doing so and why he was not arrested? How he had been able to go abroad?

Mr. Speaker, Sir, It would have been better if any instrument to reveal the inner thoughts of a person is invented. Then we could know the feelings of workers of Congress Party. I think that these people also doubt kickback in Bofors case. I demand that the persons involved in Dharam Teja scam to the scam of failure of our arms in China forests and Haridas Mundra, to all other people involved in scams took place up to now should be

[Shri Iliyas Azmi]

exposed who have looted the wealth of this country. It is the utmost need of the hour that the wealth looted and sent out of the country, should be brought back here. I would be happy if this issue is included in election manifesto of the forthcoming elections.

MR. SPEAKER : Thank you Azmiji. There is no need to speak much on this issue because this discussion is for admissibility of a particular motion.

SHRI ILIYAS AZMI : Mr. Speaker, Sir, I have never taken more than the allotted time. Not even today I want to do so. As per your orders I am concluding my speech now and take my seat.

[English]

SHRI CHITTA BASU (Barasat) : Sir, I know the purpose of this discussion. It is just to discuss on the admissibility of a particular motion. Therefore, there is no scope of debate now.

I want to convey to this House that a general impression has gained ground that the present Government is not serious enought to speak out, to dig out the truth about the Bofors affairs because of political interests. I think, it should be the duty of the Government to dispel this impression. And, they can dispel this impression if they are serious enough to pursue with the case in a manner which they deem best. The thing is that the truth is to be brought out.

Sir, I am really very much grateful to Shri Sontosh Mohan Dev that he welcomed the move for bringing out the truth. I do not want to repeat all those things which he was speaking or his party was speaking. What about Shri Shankaranand's Report? I think he was very much jocularly called *Boforanand* and you should not forget that chapter also.

Therefore, I want the Government to take certain action to see that attempts are made seriously to dispel the impression that the present Government is interested not to bring out the truth for political interests.

Sir, another point, I want to raise is about some clarification from the Government. From some sources it is being argued that there have been certain conditionalities which have been agreed upon and these conditionalities are standing in the way of making the Bofors papers public.

If that is so I think the conditionalities, if there are any, should be made public. Because with that is connected the sovereignty of the country. How can the Government take a position that these papers will not be made public? It seems that either the earlier Government or this Government did agree to these conditionalities. That assumes a new dimension in this whole problem. Neither this Government nor the earlier Government had a right to have accepted that kind of a conditionality which has not been approved–even now it has not been approved–by this House. That is a new dimension of the problem. Therefore the hon. Minister should explain properly whether there is any conditionality as such.

In this case I only want to quote two lines from the Swiss authorities. I quote the opinion given by Mr. Michael Andre Fels, the Swiss Justice Ministry official who has handled the case for the Swiss Federal Police. He stated "according to Swiss appraisal of the material we have handed over, it contains ample evidence that bribes were paid in connection with the Howitzer deal". Bribe is a criminal offence here in india. Therefore they have said there has been criminality, it is a criminal offence and the Swiss authorities are convinced of that. That is why they have handed over the papers to the Government of India. Now it becomes the duty of the Government of India to try them for the criminal offence I am not in favour of having a Committee set up here. I want the matter to be referred to the judiciary again. The Chief Justice of India may be appointed to have a committee for this. It is not a question of laughing away things. It is the Vivian Bose Commission which really dealt in depth with the question of Mundra scandal and many heads rolled. Why shall we not believe the judiciary in this case also? Judiciary, I think, has not gone to the extent that the Parliament cannot have any faith in it in cases of scams and scandals.

The last thing is, even General Sundarji made certain comments to the Hindi BBC. I think it would not be in the fitness of things to ignore the statements made by the former General of the Indian Army. In Swiss papers somebody's name has also appeared. I think we should not ignore this name. Some names have come and on the basis of those names the Government should make the Bofors papers public, so that they become the people's property, they can go into them and form their own opinion on the basis of the papers themselves. I want an Inquiry Committee set up under the Commission of Inquiry Act.

[Translation]

SHRI JAI PRAKASH (Hissar) : Mr. Speaker, Sir, the motion moved by Shri Jaswant Singh should be admitted because in 1989 the government was changed on the issue of Bofors. Shri Sontosh Mohan Dev has mightly stated that even the Members of that party, who had been removed from the Government, also want to know fact in this regard. At that time I was also Member of that party. We came into power because of that. We won the election on Bofors issue. Now why our leaders hesitate in bringing out the facts before people. Why we have been elected to the Parliament if all such matters were to be handed over to judiciary. The entire country wants to know about the

persons who have received the pay off and the persons who paid this amount and the persons who acted as middlemen in this deal. I feel that ideas envisaged in democeratic system will remain unfulfilled if middlemen, persons who received kickbacks are protected and all such cases are handed over to judiciary. This issue should be debated under Rule 184 and voting should be conducted. So that people can know about the Members who are in its favour and also those who are against. I doubt the intentions of the Government in this regard. This Government will try to hide the names of the culprits because it has formed government with the support of congress party and I think that suppport of this government would be withdrawn in that case.

Mr. Speaker, Sir, I would like to say that this issue should be debated under Rule 184 so that people would be able to know clearly about the persons who received kickbacks and also about the Members in its favour and against. The Members of National Front party would be considered guilty if the Government tries to sweep facts in Bofors Scandal under the carpet because National Front has struggled hard to oust Congress Party from power. I feel that the motion moved by Shri Jaswant Singh should be admitted and debated. . . *(Interruptions)*

{English]

MR. SPEAKER : I think, this is enough.

SHRI P.R. DASMUNSI (Howrah) : Sir, you took the decision. This is not fair. You suggested it.

SHRI SHARAD PAWAR : You took the decision.

MR. SPEAKER : I know, it was my decision. I am at your disposal, if you want to go on discussing. Let me tell you, from 1987 to 1992, we spent 48 hours and seven minutes on discussing the Bofors issue on the floor of this House.

. . . *(Interruptions)*

SHRI SHARAD PAWAR : Today, it is hardly two hours.

MR. SPEAKER : The JPC has taken 140.25 hours on discussing this issue. There is a limit for discussing an issue. Here, it is only on admissibility. The debate has not started.

SHRI SHARAD PAWAR : It has started.

SHRI P.R. DASMUNSI : The debate has actually started.

MR. SPEAKER : I have no objection. You go on discussing it.

SHRI V.V. RAGHAVAN (Trichur) : Mr. Speaker, Sir, it would have been better and appropriate if Shri Jaswant Singh had moved a motion under rule 193, I think, it is not an issue to discuss and decide under rule 184. That is our opinion; and as far as my party is concerned, our stand is that the Government should reveal the whole truth before the House and before the people.

I would like to say just a word about our investigating agencies. As far back as in 1993, our investigating agency, the CBI had got ample records regarding the accounts in the banks and who operated them. They have got ample records. It is quite obvious that US $ 7.3 million have been given as kickbacks. At that time, Mr, Quattrocchi moved the Swiss court not to reveal the names. He left the country. How could that happen?

If you go through the whole history of the Bofors issue, I am sorry to say that the CBI, which is bound to act without fear or favour, without being influenced by anybody, did not act as the country expected it to act. Even now the Supreme Court has to intervene so that the scams are investigated properly and culprits booked.

We in India are very hesitant to book the VVIPs. Look around the world. Korea, a small country, sends its Premier to jail for a small act of corruption. The Korean Premier is charged. The Italian Prime Minister is in jail on a very minor corruption charge. Here in India when our VVIPs are asked to stand in a Court, it seems the heavens would fall. Unless we are able to convict the culprits who loot the people, who loot the exchequer, who loot the public money, our future will be very gloomy.

So, the Investigating agencies, as they are bound, have to act without fear or favour and without being influenced by anybody.

SHRI N.K. PREMACHANDRAN (Quilon) : Sir, we are today discussing about the admissibility of the discussion under Rule 184. At this juncture, I do no want to take much time. I am supporting the views which have been expressed by Shri Somnath Chatterjee. Now, the ball is in the court of the Government. The Government has to come out with a firm statement. After receiving the first set of documents from the foreign country, what is the next course of action which the Government is going to take? The Government should come out with a firm statement regarding this matter. Then only can we have an effective discussion. This matter is pending for the last one decade. So many turmoils have taken place in this House also. We remember that so many Members belonging to the Left Parties resigned their Membership and some of them even lost their pensions. So many examples are before us. So, it is a very grave issue.

Almost the whole unanimously agrees that the truth

[Shri N.K. Premchandran]

must come out. We have to reveal the truth. The real culprit should be booked. For that purpose an effective step has to be taken. This issue has come out in the international media also. The entire world is looking towards this country as to what would be our next course of action after the receipt of first set of documents. We are also waiting for second set of documents. At this juncture it is clear from the documents as well as from the Press Conference of the CBI that the kingpin of the issue is Mr. Ottavio Quattrocchi. His name has been spelt out very clearly. What is his role in this issue? How did he come into the picture as far as this issue is concerned? I feel that if his role is made clear, the entire truth will come out. So, in order to get a clear picture, the real culprit should be booked, and for that, effective step should be taken. Whatever information is available with the Government should be brought to the House and to the people of this country.

As has been mentioned just now, there are so many scams and scandals involving VVIPs in our country. They should have a finality. There should be a finality to the allegation of corruption. So many investigating agencies, Joint Parliamentary Committees and Inquiry Commissions are being appointed. Crores of rupees have been spent on these investigations and the entire corruption allegation is going down. According to my knowledge, in one or two cases the guilty have been convicted. Every allegation of corruption should have a finality. To come to that finality, I appeal to the Government of India to take firm action.

With these words I Conclude. Thank you.

SHRI P.R. DASMUNSI : Sir, beyond the scope of the material that has to be debated regarding the admissibility, we have discussed much more. But I will not point out all these things. I would like to say that Congress Party has withstood all the humiliation, all the insinuations, all the accusations and all the charges which have been levelled since 1989 without having any foundation established by the law and without having any substance substantiated by the investigating agencies. Yet we withstood all this. Sincerely, When we come to Parliament, we talk of something else. We talk about the technical merit, about the Constituational merit and the legalistic merit. When we go out we make use of those materials for our own political convenience against those whom we want to make a target. Right from the beginning, as regards Bofors issue, it was the Indian National Congress and the then Prime Minister who were the main targets of the Left and the Right parties who are sitting here.

15.00 hrs.

We used to do all these things and we made our journey stop when we found that our leader is no more alive and the leader was not only not alive but his body was not found and was destroyed into pieces. Yet, we continued to withstand this insult because we are accountable to the nation and we are answerable to the Parliament. And what was the stand in respect of the time? I do not like to accuse any individual. It will not help us today.

I am thankful to Shri Somnath Chatterjee for his objective analysis of this motion of discussion today and I am also thankful to many Members. But I, with a heavy heart, like to say to Mr. Jaswant Singh and Mr George Fernandes to please stop making targets when they talk in Parliament. We have all appreciation for the media. I am found of the role played by the media in exposing many scams in this country and underhand activities of many parties in this country. I am thankful to the media including that of the role played by Mrs. Chitra Subramanian sitting there. It is not the question of accusing the media. Media is one of the basic components of Indian democracy which help us to guide the destiny of not only this Parliament but also of the nation. Let us not bring the media into controversy. They are doing their job and we are thankful to them.

Mr. Jaswant Singh has started saying that this particular incident of Bofors made the image of India abroad so horrifying and so sad. It is true. When the image of India is exposed in the deal of corruption, we get more sad. But history will decide whether the Bofors deal spoiled the image of India or the incident of 6th December, 1992 had spoiled the image of India or the great betrayal in India in 1962 when China attacked India and India tried to defend when many remained vocal and many remained quiet on the deal which was done secretly in 1977 with the Defence Minister of Israel, Mr. Moshe Dayan on his secret visit to Delhi followed by support of Camp David Agreement spoiled the image of India. History will judge these things. I am not the competent commentator of these incidents. But let us not target one political party for one issue and one thing.

Sir, we are very clear in our understanding today and the matter relating to Joint Perliametary Committee had been referred. I wish to remind that on 3rd August, 1987, in this very House, when JPC was discussed, Mr. Somnath Chatterjee came out with a separate proposal and Mr. Dinesh Goswami came out with another proposal in which they wanted a different person as Chairman. Mr. Somnath Chatterjee wanted Mr. Dandavate and the other side wanted somebody else. Mr. Dinesh Goswami wanted seven Members from the Opposition and eight Members from the Congress and so any other compositions were there. Finally, when the House's ultimate decision was not accepted, they boycotted. This is the fact of the matter.

There is no question of accusation. Today for instance, if on the issue of Ayodhya Incident demolition of the mosque–a JPC is demanded and the demand comes from Mr. Atal Behari Vajpayee and that he should be made the chairman and the majority Members of the BJP should be included in it, will the Government concede to that point? No, Merit is known. Parliament does not function in that order. When the Government leads the House and the Leader of the House leads the House, that is not the order. So, I am going into the controversy that while that JPC was boycotted and some other JPC is formed, what will be the role of others and so on.

Sir, I will be brief only on three points. Let us not mislead the nation. Let us not mislead the House by misquoting or off-quoting or wrong quoting things. What was the stand of our Government? On 28th April, our Government led by our late lamented leader, Shri Rajiv Gandhi said this and it is the same tune today.

> "I do not know what procedure the Swedish Government has to go through in their enquiry. It is only a matter of few days since we have asked them for the enquiry. We must give them a chance to give us an answer and a response. I have said so on the floor of this House that the minute we have any information, we will take the hardest possible action and you will see that action. It will not be hidden, it will not be concealed. It will be there for you to see, it will be there for the country to see."

Of course, our country will see today. But he will not see because he is no more with us. Subsequently, on the 3rd August, in the same House, Mr. K.C. Pant replied like this.

> "Immediately on the receipt of the report of the Swedish Audit Bureau, it was discussed with the leaders of Opposition. Further, the Government decided to request the hon. Speaker of this House as well as the Chairman of the Rajya Sabha to set up a JPC. The Swedish Government was addressed on 17th June, 1987 through the Swedish Embassy. We are confirmed of the position of the National Audit Bureau Report which will be taken up again."

This was on the controversy of the JPC. So, our stand was this on that day and Narasimha Rao Government also did not hide anything or did not do anything to suppress the facts. Meanwhile, V.P. Singh's Government came. What was Mr. V.P. Singh's long debate in the Lok Sabha? I will quote the concluding part today which the Government will bear in mind. A historic statement was made on 29th December, 1989 by the then Prime Minister, Shri V.P. Singh, in whose by-election in Allahabad, I heard that very interesting slogan.

As a young man, I was charmed with this slogan:

[Translation]

"V.P. Singh ka ek sawal–kamishan khaya koun dalal.

[English]

And that 'sawal' evoked young voters. Shri V.P. Singh got a mandate. The same slogan that 'dalal' will be caught within 14 days, brought them back to that chair. And I quote what Shri V.P. Singh said from that chair on 29th December:

> "I would like to reiterate the resolve of this Government to enforce the law, recover the amounts paid and ascertain the identity of the recipients. There is no compromise on this. For, if no action is taken on default of such a contract condition, parties to future contracts would not be deterred from violating such conditions in the future. We have instructed the investigative agencies to pursue their inquiries and investigations as per law. At the Government level, the review of the whole case in under-way and very soon the matter is going to be taken up with the foreign Governments through diplomatic channels and with the Swiss authorities in terms of the Memoradum of Understanding between India and Switzerland prevailing with the Government on that day in Switzerland and Government of India headed by Shri V.P. Singh."

That Memorandum of Understanding will be the main cardinal point to get the documents from the Swiss Court and to place them for the investigation. And finally, he said:

> "I would like to assure the House that this matter will be pursued to its logical conclusion keeping the Parliament and the people informed of progress."

I think, the commitment made between the V.P. Singh Government and the Swiss Government, based on the Memorandum of Understanding, did not involve the Congress Party, the BJP or Shri Chandra Shekhar or any other party as to what should be written in the Memorandum of Understanding. It is not enough. It was the commitment that Shri V.P. Singh–the then Government–made to the nation and the Parliament that based on the Memorandum of Understanding, whatever logical conclusion comes, that will be pursued.

I now request the Government that please, therefore, do not fight shy or do not feel ill about these things. What Shri L.K. Advani quoted outside about Congress Party's method is wrong. The Congress Party did not take the decision about issue-based support to blackmail the Government on the issue of Bofors. We would like to make

[Shri P.R. Dasmunsi]

it absolutely clear. The issue of Bofors has no link about our relations with the Government. Our commitment to secularism and certain other compulsions made us support you against them. And that commitment shall continue. But in this matter, a logical and must be found by the Government. If you feel that it should be found by the CBI, let it be by the CBI, If you feel referring it to the Judiciary, let it be done so. If you feel it to be done by an appropriate committee, it is your job. And till that job is not done, please do not leak out piecemeal information to malign any family, any individual or any party. That will not be tolerated. Please do not make politics out of that. Make it solid.

If you want to place any document before the Parliament, it must be an authenticated document as a whole and not for a selective purpose. You advise your investigating agency that if they selectively choose some information and give it out, it is unfortunate. I am ashamed that a man in the highest office defending the border of the nation–before the CBI interrogates–goes to the BBC just to contradict what he said before the JPC. If his statement is so important, the House should be taken into confidence.

I plead that please do not leave Congress support or equation with you on the issue of Bofors. We are interested in knowing the truth. The Congress is making its journey. The Congress knows how to manage its own house. Let us not be eduated by you. But I would like to tell you that if you feel that there is something, you come out with guts and tell the truth to the entire nation through your investigating agency.

There is only one more submission. Do not delay in bringing out the truth in such a manner that months and years continue to roll in he garb of your committees, leaking out selective information and just pinpointing a target and undertaking raids. That will not be excused.

With these words, I submit to the Government, through you, that let the Government come out with the factual documents and position. And if the Government feels that there is something yet to come, you go or please send your authority to bring other things also. We are not afraid of it. We are not here to defend anybody. We are to defend the truth in the interest of the nation and nothing more.

THE MINISTER OF STATE OF THE DEPARTMENT OF LEGAL AFFAIRS, LEGISLATIVE DEPARTMENT AND DEPARTMENT OF JUSTICE (SHRI RAMAKANT D. KHALAP) : Sir, I think, I am called upon to basically meet the question whether this motion is admissible. I will request the House to refer to Rule 186 of the Rules of Procedure and Conduct of Business of Lok Sabha.

I would quote Rule 186 sub-rule (viii). It says and I quote :

> "In order that a motion may be admissible it shall satisfy the following conditions, namely :
>
> (viii) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of india;"

Sir, basically, in my opinion, today the issue revolves on these aspects of the matter. For that purpose, I must mention here that a regular case No. RC/1(a)/90-ACU(4) was registered on 22nd January, 1990 under section 120(B) read with section 5(ii); section 5(i) sub-section (c) and (d) of the Prevention of Corruption Act, 1947 read with sections 409, 420 and 417 IPC.

SHRI JASWANT SINGH : Mr. Minister, would you kindly yield for a minute?

Sir, it would be totally misleading on the question of *sub-judice*–forgive me for my voice–which the hon. Minister is asserting. It is in case of criminal cases; it is when charges are framed in civil cases; it is when issues are framed. In the matter of Bofors, whatever case proper he might cite, no charges have been framed, no issues have been framed. So the Government cannot take the protection of *sub-judice* in this case.

SHRI NIRMAL KANTI CHATTERJEE : Sir, let us first hear the hon. Minister. *(Interruptions)*

SHRI RAMAKANT D. KHALAP : Please listen to me.

This case is pending in the court. A special Judge is supervising the conduct of the investigation of this case. Now, the matter does not and here. These documents were received from the Swiss authorities pursuant to a letter rogatory which we had sent to the Swiss authorities. Now, when this letter rogatory was sent, certain undertakings were given to the Swiss authorities. Prior to that there was a Memorandum of Understanding between the two States.

SHRI SOMNATH CHATTERJEE (Bolpur) : Between the two countries.

SHRI RAMAKANT D. KHALAP : When I say States, I mean between the two sovereign countries. In these undertakings the Government was helped by an eminent lawyer, Shri Arun Jaitly, When the Swiss authorities finally agreed to give us a set of douments, these documents have come under an express condition that they shall not be revealed; they shall not be used for any purpose other than the investigation that is going on in the court. Now, if we agree to the formation of any committee which would have an access to these documents or if we agree to place these documents on the Table of the House then, what would be the consequence?

The first consequence of it would be that the documents have come to the court in India; the court has entrusted these documents to the CBI for further investigation. That means that we would have to inform the court in India. Secondly, we have given an undertaking to the Swiss authorities. The third aspect is that the Swiss authorities are yet to give us further documents regarding this investigation. One more aspect that needs to be seen is that this is not the only case we are pursuing. There are many more investigations which are going on and there are solemn undertakings between the two sovereign countries. If today we violate the undertaking given to the Swiss authorities, with what face could we go again to them and ask for further documents?

Everyone will see that seven long years were needed to obtain this set of documents. How many more years should we wait? Every Member has expressed concern that this matter is being dragged on and on. Names are being taken; certain fiar names are being tarnished. If this is the concern of every Member, then, would the Members not agree with us that we must abide by the solemn undertakings given to a foreign authority of a country and see to it that the entire investigation is completed as early as possible : Documents will be given before the court alongwith chargesheets. Then, all the documents will be there for everybody to see and to know as to what they contain and what they does not contain.

We are not at all interested, in any way, in tarnishing anybody's name. We do not want to hide anything. It is our concern that every aspect of this entire thing must be revealed to the country, but it should be at the opportune time.

Please allow us to complete the investigation. Please see that the undertaking which we have given to the foreign authority of that country is obeyed and only then we shall come before the House. Therefore, it is very clear that if we go purely by the aspect of the law, in this case the rules do not permit now admitting this particular motion moved by hon. Shri Jaswant Singh. It does not permit us to reveal the documents here. The Prime Minister had stated here that, if need be, he would request the leaders of different political parties to meet in your Chamber, or in the Chamber of the Chairman, where conditionalities could be explained to you, not that the documents could be shown to you. Nobody has said that the documents would be shown because we cannot show them to you. These conditionalities could be explained to you. The constraints under which the Government is working could be explained to you so that you can understand the aspects which bind us or the problems that we are faced with and thereafter, we could come to proper conclusion.

Under these circumstances, I express the Government's helplessness in agreeing to this request and I vehemently oppose the admissibility of the motion moved by Shri Jaswant Singh.

SHRI NIRMAL KANTI CHATTERJEE : If only conditionalities are to be explained, they could as well be explained in the House itself. What is there ?

SHRI A.C. JOS : The Law Minister has explained his position but the point is that the names are leaked out to the newspapers. The names are appearing in the newspapers. How the names have leaked out to the newspapers? This also should be explained.

MR. SPEAKER : Please sit down Mr. Jos. No more argument please. It has been argued enough. You should now leave the matter to the Speaker. You cannot go on talking.

SHRI NIRMAL KANTI CHATTERJEE : I raised it yesterday also. I am not goint to deliver a speech. My only point is, if only the conditionalities are to be explained before the Leaders, let the whole House know about the conditionalities. No secrecy will be broken. There will not be any violation of understanding with the foreign country. Let the entire House be seized of what the conditionalities are. We will be defending their position only. This is my only request to the Government.

MR. SPEAKER : I do not know whether you heard Mr. Somnath Chatterjee attentively or not.

SHRI NIRMAL KANTI CHATTERJEE : Yes, I did but despite that I would like to mention this. He has also mentioned about tomorrow's meeting.

MR. SPEAKER : Yes, I was going to say about it.

SHRI NIRMAL KANTI CHATTERJEE : I have heard both him and the Minister. The Government's position is, nothing else but only the conditionalities will be explained. If that be so, the entire House can be seized of that. We can say that for this reason the Parliament decide that we do not want the document now. We can do that. That is the only request that I am making.

MR. SPEAKER : You have made your point. I would like to make a slight correction.

SHRI SHARAD PAWAR : Let the Law Minister reply.

SHRI MADHUKAR SARPOTDAR : In that event, why should CBI disclose the names? Is there no restriction on the CBI? It cannot be discussed here but the CBI can leak out the names. Is the CBI above Parliament?

MR. SPEAKER : Has the CBI disclosed the names? I would like to know it officially.

. . .*(Interruptions)*

SHRI A.C. JOS : We are always at the receiving end .*(Interruptions)*

SHRI RAMAKANT D. KHALAP : There was a lot of kite flying going on. The newspapers were publishing so many things. . .*(Interrputions)*

MR. SPEAKER : Please listen to him. I have put a very pointed question and he is answering that with all responsibility.

SHRI RAMAKANT D. KHALAP : Therefore, CBI thought it proper to inform the country that these were the entire set of names which they have received.

SHRI SHARD PAWAR : Who are they?

SHRI RAMAKANT D. KHALAP : They are before everybody.

SHRI SHARAD PAWAR : Why don't you confirm them here and also the conditionalities?

SHRI RAMAKANT D. KHALAP : The hon. Member wants the conditionalities. I will read it:

> "The document transmitted and the information contained therein may be used for investigatory purposes or as evidence only in the interest of prosecution regarding an ordinary criminal offence. Any other use of this document and the information contained therein is subject to explicit and previous authorisation of the federal office for police matter."

Therefore, anticipating that such a question would be raised here, we requested the Swiss authorities whether they would allow us to disclose these papers. We have received last night a fax message from them saying that they cannot agree to this proposal of placing these documents on the Table of the House. What more can be said?

SHRI RAJESH PILOT : The total purpose of transparency is defeated by this.

SHRI SHARAD PAWAR : When CBI has disclosed the names to media, why do the Government not disclose all the names known to them to this House? We want to know all the names.

SHRI P.M. SAYEED (Lakshadweep) : That very statement can be laid on the Table of the House.

MR. SPEAKER : I want to make a slight correction. A little while ago I announced that we spent 48 hours discussing this matter on the floor of this House from 1987 to 1992. But on rechecking I find that it was 60 hours and not 48 hours.

I reserve my ruling on this issue.

15.21 hrs.

MATTERS UNDER RULE 377

(i) Need to grant citizenship rights to Refugees of minority community migrated from Pakistan to border districts of Barmer and Jaisalmer during 1965 and 1971 Indo-Pak war

[English]

COL. SONA RAM CHOUDHARY (Barmer) : Mr. Speaker, Sir, during 1965 and 1971 Indo-Pak war, some of the refugees of minority community migrated from Pakistan to the border districts of Barmer and Jaisalmer.

15.22 hrs.

[SHRI P.M. SAYEED *In the Chair*]

They were kept in refugee camps and provided financial help, grants and loans by the State Government for their rehabilitation. They were also given land for cultivation. However, due to non-grant of citizenship rights, the allotment of land was cancelled to certain refugees.

During 1966, such refugees were given citizenship rights. However, due to acute famine in desert districts of Barmer and Jaisalmer, some of these refugees migrated to adjoining districts in search of livelihood. As a result, they could not get citizenship rights. These poor illiterate people were unaware of rules and regulations governing grant of citizenship right. Hence, they could not get the same.

These people are running from pillar to post for the last over 16 years to get citizenship but could not succeed in thier efforts so far.

It is reliably learnt that some of these refugees are being deported without being given a fair chance to represent their cases as per Citizenship Act, 1956.

I would, therefore, request you to intervene in the matter and give a fair chance to such people to represent their cases as per Citizenship Act, 1956 before they are deported.

(ii) Need for strict enforcement of provisions of SC and ST (Prevention of Atrocities) Act particularly in Gujarat State

[Translation]

SHRI N.J. RATHWA (Chhota Udaipur) : Mr. Chairman, Sir, the Central Government have enacted SC & ST (Prevention of Atrocities) Act, with a view to prevent atrocties on tribals. But it has been found that this Act is not being enforced strictly by administrative/police officers